

JAMES BRAINARD, MAYOR

## **Executive Order 2020-08**

**WHEREAS**, Indiana Code §§10-14-3-29 and 10-14-3-29.5 authorize me, as the Mayor of the City of Carmel, Indiana, to declare a local disaster emergency, which may include a local travel advisory restricting travel and activities in areas that may be affected by a hazardous situation, whenever Carmel is faced with an imminent threat of a disaster; and

**WHEREAS**, Indiana Code §10-14-3-1 defines a “disaster” to include an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a human act; and

**WHEREAS**, on Friday, May 29, 2020 and Saturday, May 30, 2020, what had initially been peaceful protests in the City of Indianapolis resulting from the tragic death of George Floyd while in police custody, turned decidedly violent, resulting in fatalities and numerous assaults, as well as in significant and widespread property damage and loss to at least 80 local businesses and government buildings; and

**WHEREAS**, as a result of these acts of widespread civil unrest, the mayor of the City of Indianapolis declared a local disaster emergency, imposed travel restrictions, and instituted a mandatory nighttime curfew in that city; and

**WHEREAS**, Indianapolis and Carmel abut one another and are adjoined by several streets and highways; and

**WHEREAS**, Carmel has received information that the protests which resulted in extensive damage and loss of life in Indianapolis are planning to take place into Carmel on or about June 1, 2020 through June 7, 2020; and

**WHEREAS**, there have been recent threats to Carmel made on social media; and

**WHEREAS**, as shown by the information summarized above, as well as by the recent events in Indianapolis, an imminent threat exists that may inflict widespread and severe injuries to persons and/or damage to property in Carmel; and

**WHEREAS**, on June 1, 2020, I issued a local disaster emergency declaration, as well as a local travel advisory, to address this imminent threat to Carmel persons and property from these impending protests; and

**WHEREAS**, after consultation with the Carmel Police Chief and other public safety personnel, I have determined that, like Indianapolis, the safety of Carmel residents and properties now requires me to impose a temporary nighttime curfew applicable to all public streets and public places located within the Carmel corporate limits; and

**WHEREAS**, this Executive Order adds to but does not otherwise affect my June 1, 2020, Disaster Emergency Declaration, which remains in full force and effect until I modify or rescind it.

**NOW, THEREFORE**, by and under the powers invested in me by Indiana law, and as the Mayor of the City of Carmel, **I DO HEREBY ORDER AND DECLARE** a mandatory nighttime curfew (“Curfew”) applicable to all public streets and public places located within the corporate limits of the City of Carmel, Indiana, as set forth below:

1. Beginning June 2, 2020, the Curfew shall be in effect daily from 9:00 PM EDT until 5:00 AM EDT the following morning.

2. At no time when the Curfew is in effect shall any person travel a public street and/or be in public place located within the City of Carmel unless subject to an exemption as expressly set forth below.
3. The Curfew applies regardless of a person's method of travel on public streets or in public places, whether by automobile, motorcycle, bus, bicycle, scooter, foot, or by any other means of moving from place to place.
4. For purposes of this Order, "public streets" and "public places" mean any place, whether on privately or publicly owned property, that is accessible and open to the general public. This includes, but is not limited to, streets and roads, alleys, highways, driveways, sidewalks, parks, plazas, parking lots, parking garages, and vacant lots.
5. The following persons are exempt from the Curfew:
  - a. Law-enforcement, fire, medical, and other public safety personnel;
  - b. Members of the news media;
  - c. Federal, state, or local public officials doing work deemed necessary by the public agency that employs them;
  - d. Persons traveling directly to or directly from work, seeking medical care, or fleeing from dangerous circumstances; and,
  - e. Persons engaged in employment necessary to maintain a safe rail system, restore utility service, or provide other emergency public services.

Pursuant to Indiana Code §§10-14-3-24 and 10-14-3-34, a Curfew violation is a Class B Misdemeanor, punishable by up to 180 days in jail and a \$1,000 fine, and may also constitute a violation of Indiana Code §36-1-3-8(10) and Carmel City Code §6-45 and be subject to a civil fine of \$2,500 for a first offense and significantly higher fines for subsequent offenses.


The Carmel Corporation Counsel will ensure that this Order is promptly filed with the City Clerk and given prompt and general publication.

This Order will be in effect until a further order is issued or as otherwise determined by me as the Mayor of the City of Carmel, Indiana.

This Order is executed on this the 2nd day of June 2020.

**IN WITNESS WHEREOF**, I have hereunto subscribed my name and caused the seal of the City of Carmel, Indiana, to be affixed



  
James Brainard, Mayor

ATTEST:

  
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Douglas Haney, Corporation Counsel